

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
ABILENE DIVISION

EDGAR HERNANDEZ,  
Institutional ID No. 02109665  
SID No. 07990638

Plaintiff,

v.

No. 1:19-CV-00239-H

BOBBY LUMPKIN, DIRECTOR  
TDCJ-CID,<sup>1</sup>

Defendant.

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made findings, conclusions, and a recommendation (FCR) that this case should proceed and the Court should enter a scheduling order as to Plaintiff's claim for injunctive relief under the Religious Land Use and Institutionalized Persons Act (RLUIPA). *See* 42 U.S.C. § 2000cc, et seq. (Dkt. No. 34.) No objections were filed. The District Court has reviewed the FCR for plain error. Finding none, the Court accepts and adopts the findings, conclusions, and recommendation of the United States Magistrate Judge.

The Court notes that in his Answer, Defendant Lumpkin asserted several affirmative defenses—including his right to qualified immunity. (*See* Dkt. No. 23.) Ordinarily, once the affirmative defense of qualified immunity has been raised, the Court would enter a scheduling order limited to that issue. However, the Court declines to limit the scheduling

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<sup>1</sup> All other Defendants and claims were dismissed from this suit by order and judgment entered on August 29, 2022. (Dkt. No. 31.) So, the caption of this case reflects that Bobby Lumpkin, in his official capacity as Director of the TDCJ-CID is the only remaining defendant in this case.

order at this time because Plaintiff seeks only injunctive relief under RLUIPA and “qualified immunity applies only to claims for money damages.” *See Waller v. Hanlon*, 922 F.3d 590, 598 (5th Cir. 2019) (citing *Morgan v. Swanson*, 659 F.3d 359, 365 n.3 (5th Cir. 2011)).

As a result, the Court will enter a separate scheduling order, setting forth dates for pretrial deadlines and filing dispositive motions.

So ordered.

Dated October 7, 2022.



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JAMES WESLEY HENDRIX  
United States District Judge